

# **SIXTEENTH DAY**

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**TUESDAY, FEBRUARY 11, 1997**

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## **PROCEEDINGS**

The Senate met at 12:00 noon pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Truan.

The President announced that a quorum of the Senate was present.

The Reverend John R. Pitts, Senate Chaplain, offered the invocation as follows:

God speaks in Jeremiah: "For I know the plans I have for you, plans to prosper you and not to harm you, plans to give you hope and a future."

We thank You this day, God, for those plans You have not only for us individually but also for this state. We thank You for the knowledge that we can have hope for a future. Lord, we ask that what is done in this chamber today furthers that hope and that future for all Texans. We ask that what is done this day prospers the people of this state and does not harm them.

Be with each of us as we follow Your plans. Amen.

On motion of Senator Brown and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## **LEAVE OF ABSENCE**

On motion of Senator Zaffirini, Senator Truan was granted leave of absence for today on account of important business.

## **CO-AUTHOR OF SENATE BILL 62**

On motion of Senator Patterson and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 62**.

## **CO-AUTHOR OF SENATE BILL 82**

On motion of Senator Ellis and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 82**.

**CO-AUTHOR OF SENATE BILL 83**

On motion of Senator Ellis and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 83**.

**CO-AUTHORS OF SENATE BILL 86**

On motion of Senator Shapiro and by unanimous consent, Senators Ogden and Patterson will be shown as Co-authors of **SB 86**.

**CO-AUTHORS OF SENATE BILL 120**

On motion of Senator Madla and by unanimous consent, Senators Ellis and West will be shown as Co-authors of **SB 120**.

**CO-AUTHOR OF SENATE BILL 148**

On motion of Senator Bivins and by unanimous consent, Senator Cain will be shown as Co-author of **SB 148**.

**CO-AUTHOR OF SENATE BILL 212**

On motion of Senator Ellis and by unanimous consent, Senator Duncan will be shown as Co-author of **SB 212**.

**CO-AUTHOR OF SENATE BILL 213**

On motion of Senator Ellis and by unanimous consent, Senator Duncan will be shown as Co-author of **SB 213**.

**CO-AUTHOR OF SENATE BILL 265**

On motion of Senator Ellis and by unanimous consent, Senator Duncan will be shown as Co-author of **SB 265**.

**CO-AUTHOR OF SENATE BILL 310**

On motion of Senator Brown and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 310**.

**CO-AUTHOR OF SENATE BILL 328**

On motion of Senator Brown and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 328**.

**CO-AUTHOR OF SENATE BILL 407**

On motion of Senator Harris and by unanimous consent, Senator Carona will be shown as Co-author of **SB 407**.

**CO-AUTHORS OF SENATE RESOLUTION 84**

On motion of Senator Zaffirini and by unanimous consent, Senators Luna, Madla, Nelson, Shapiro, and Wentworth will be shown as Co-authors of **SR 84**.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**SB 464** by Harris, Madla, Wentworth, Nelson, Armbrister  
Relating to providing fairness and choice to certain patients and providers under managed care health benefit plans.  
To Committee on Economic Development.

**SB 465** by Harris  
Relating to the authority of a school district to charge a fee for transporting certain students.  
To Committee on Education.

**SB 466** by Harris  
Relating to the state's procurement of goods and services and to the state's contract management activities.  
To Committee on State Affairs.

**SB 467** by Nelson  
Relating to prohibiting a peace officer or attorney representing the state from requiring that certain complainants submit to polygraph examinations.  
To Committee on Criminal Justice.

**SB 468** by Armbrister, Carona  
Relating to the prompt payment of contractors and subcontractors.  
To Committee on Jurisprudence.

**SB 469** by Duncan  
Relating to the inactive status of the Texas Soybean Producers Board.  
To Committee on Natural Resources, Subcommittee on Agriculture.

**SB 470** by Sibley  
Relating to a donated dental services program for certain individuals.  
To Committee on Health and Human Services.

**SB 471** by Luna  
Relating to public school admission and attendance; providing a criminal penalty.  
To Committee on Education.

**SB 472** by Cain, Carona, Shapiro, West  
Relating to powers of certain regional transportation authorities.  
To Committee on Intergovernmental Relations.

**SB 473** by Moncrief  
Relating to the regulation of certain aggregate quarries and pits.  
To Committee on Natural Resources.

**SB 474** by Ogden, Lucio  
Relating to the payment of resident tuition and fees at state institutions of higher education by children and spouses of certain military personnel.  
To Committee on Finance.

**SB 475** by Ogden  
Relating to the creation of a complex crime unit within the Department of Public Safety.  
To Committee on Criminal Justice.

**SB 476 by Madla**

Relating to certain criminal background checks regarding applicants for and holders of chemical dependency counselor licenses.

To Committee on Health and Human Services.

**SB 477 by Madla**

Relating to requiring courts hearing criminal cases to report certain persons who are not citizens of the United States to the federal government.

To Committee on Criminal Justice.

**SB 478 by Shapiro**

Relating to the lease of space for a state agency from another governmental entity.

To Committee on State Affairs.

**SB 479 by Armbrister**

Relating to Texas Higher Education Coordinating Board contracts with Texas Chiropractic College and Parker College of Chiropractic.

To Committee on Education.

**SB 480 by Armbrister**

Relating to a revision of the public information law.

To Committee on State Affairs.

**SB 481 by Armbrister**

Relating to investment of the volunteer firefighters' relief and retirement fund.

To Committee on Intergovernmental Relations.

**SB 482 by Shapleigh**

Relating to items payable by impact fee.

To Committee on Intergovernmental Relations.

**SB 483 by Nelson**

Relating to the salary of an official court reporter.

To Committee on Jurisprudence.

**SB 484 by Moncrief**

Relating to outdoor advertising of alcoholic beverages.

To Committee on State Affairs.

**SB 485 by Brown**

Relating to the joint listing on an ad valorem tax appraisal roll of separate interests in minerals in place.

To Committee on Finance.

**SB 486 by Brown**

Relating to the regulation of geologists, geophysicists, and soil scientists; providing an administrative and a criminal penalty.

To Committee on State Affairs.

**SJR 24 by Ogden**

Proposing a constitutional amendment to authorize the removal of a member of the governing body of a public institution of higher education.

To Committee on Education.

**SCR 15** by Ellis, Armbrister, Ratliff

Encouraging the State Board of Education to directly manage all investments of the Permanent School Fund through the Texas Permanent School Fund Management Company.

To Committee on Finance.

**SCR 16** by Ellis, Armbrister, Ratliff

Encouraging the State Board of Education to require that all stocks purchased by the Permanent School Fund pay a current dividend.

To Committee on Finance.

#### **SENATE RESOLUTION 84**

Senator Zaffirini offered the following resolution:

WHEREAS, The Texas Senate is proud to honor the National Women's Memorial Project for its outstanding tribute to female veterans of the United States Armed Forces; and

WHEREAS, The Women In Military Service For America Memorial will honor the service, sacrifice, and achievements of the nearly 2,000,000 women who have been part of our country's armed forces, more than 78,000 of whom are Texans; and

WHEREAS, Designed by noted architects Marion Gail Weiss and Michael Manfredi, the structure will stand at the gateway to Arlington National Cemetery and will feature a reflecting pool, a court of honor, and an education center; and

WHEREAS, More than 200 years ago, Deborah Sampson disguised herself as a man to join the Massachusetts Regiment of the Revolutionary Army; in later years, females have been welcomed into military service, and in 1948, the Women's Armed Services Integration Act granted them a permanent place in the military, allowing them to serve their country with honor both in peacetime and in conflict; and

WHEREAS, The Women In Military Service For America Memorial is our nation's first major effort to pay tribute to its servicewomen; their patriotism and bravery are part of our collective heritage, and it is the express desire of the Texas Senate to voice its wholehearted support of this important project; now, therefore, be it

RESOLVED, That the Senate of the 75th Texas Legislature hereby honor the female veterans of the United States Armed Forces and commend all those associated with the National Women's Memorial Project for their exceptional work on this worthwhile endeavor; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the Women In Military Service For America Memorial Foundation as an expression of high regard by the Texas Senate.

ZAFFIRINI  
LUNA  
MADLA

NELSON  
SHAPIRO  
WENTWORTH

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Zaffirini and by unanimous consent, the resolution was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Lieutenant Colonel Terri Slone-Baker and her husband Tom Baker, Colonel Frances Guess, Colonel Lillian Guess, Stacy Adams, Bertha Hall, Doris Howard, Joanne M. Hedden, Lieutenant Colonel Doris M. Brown, Margaret Baros, Evelyn Swenson, Mable Dendy McGlaun, Barbara A. Ramirez, Faye Hoel, Opal Keesee, Virginia Ransom and Maria Elena Perez Crowley from the San Antonio Area Women in Military Service for America Memorial Foundation.

The Senate welcomed its guests.

#### **CAPITOL PHYSICIAN**

The "Doctor for the Day," Dr. James W. Key of Yoakum, was introduced to the Senate by Senator Armbrister.

The Senate expressed appreciation and gratitude to Dr. Key for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**(Senator Brown in Chair)**

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 11, 1997

**TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE MEMBERS OF THE TEXAS WORKERS' COMPENSATION  
COMMISSION for terms to expire February 1, 2003:**

**JOEL B. "BURT" TERRILL**

1102 Algerita

San Angelo, Texas 76901

Mr. Terrill will be replacing Donna Snyder of Dallas whose term expired.

**REBECCA F. OLIVARES**

819 Briarcliff Drive

San Antonio, Texas 78213-2207

Ms. Olivares will be replacing Ramon Class of Amarillo whose term expired.

TO BE A MEMBER OF THE PREPAID HIGHER EDUCATION TUITION BOARD for a term to expire February 1, 2003:

MICHAEL DAVID GOLLOB  
6023 Redcoat Lane  
Tyler, Texas 75703

Mr. Gollob is being reappointed.

TO BE MEMBERS OF THE TEXAS COMMISSION FOR THE BLIND for terms to expire February 1, 2003:

DON W. OATES  
1714 Hollybrook Drive  
Nacogdoches, Texas 75961

Mr. Oates will be replacing Larry P. Johnson of San Antonio whose term expired.

BEVERLY A. STILES  
P.O. Box 114  
Freer, Texas 78357

Ms. Stiles will be replacing Dr. Hilda Medrano of Edinburg whose term expired.

JOHN M. TURNER  
6009 Hillcrest  
Dallas, Texas 75205

Mr. Turner is being reappointed.

TO BE MEMBERS OF THE BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS for terms to expire February 1, 2003:

ROBERT BATES ARNOT  
1302 West Walker  
Breckenridge, Texas 76424

Mr. Arnot will be replacing James Gibson of Guthrie whose term expired.

RODOLFO GARCIA  
P.O. Box 746  
Alvin, Texas 77512

Mr. Garcia will be replacing Helen E. Martin of Stephenville whose term expired.

SHIRLEY M. HERRING  
405 Hickory Hollow Lane  
Brenham, Texas 77833

Ms. Herring will be replacing Charles Moser of Brenham whose term expired.

ERNEST M. KOY  
7 East Hacienda  
Bellville, Texas 77418

Mr. Koy will be replacing John Wehby of Taylor whose term expired.

J. RODNEY LEE  
5307 Chaparral Drive  
Waco, Texas 76710

Mr. Lee will be replacing Lyndon Olson, Sr., of Waco whose term expired.

NANCY N. RABB  
2465 Deer Trail  
Round Rock, Texas 78681

Ms. Rabb will be replacing Patricia Eason of Georgetown whose term expired.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

**MESSAGE FROM THE HOUSE**

**HOUSE CHAMBER**

Austin, Texas

Tuesday, February 11, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 60**, Declaring February 11, 1997, as Edinburg Day at the Capitol.

**HCR 68**, Honoring Manuel R. Nunez of Fort Stockton for his civic contributions.

**HCR 69**, Welcoming the Rusk County delegation on the occasion of Rusk County Days.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE**

**SENATE BILL 148 ON SECOND READING**

Senator Bivins moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 148** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended for **CSSB 148**:

**CSSB 148**, Relating to the recommendation, development, and adoption of certain curricula by certain institutions of higher education and the Texas Higher Education Coordinating Board.

The bill was read second time.

(President in Chair)



Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 148** by adding the following as the last sentence in Sec. 61.822(a) and 61.823(a):

"At least a majority of the members of any advisory committee named under this section shall be faculty members of an institution of higher education."

The amendment was read and was adopted by a viva voce vote.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 148** as follows:

In **SECTION 1** of **CSSB 148**, add a new Subsection (c) of Section 61.823 (after line 8, page 2, Committee Print), to read as follows:

(c) A student who transfers from one institution of higher education to another without completing the field of study curriculum of the sending institution shall receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the field of study curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the field of study curriculum of the receiving institution.

The amendment was read and was adopted by a viva voce vote.

**CSSB 148** as amended was passed to engrossment by a viva voce vote.

(Senator Armbrister in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 148 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 148** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**CSSB 148** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**HOUSE CONCURRENT RESOLUTION 60**

The Presiding Officer laid before the Senate the following resolution:

**HCR 60**, Declaring February 11, 1997, as Edinburg Day at the Capitol.

LUCIO

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a delegation of citizens from Edinburg.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Gallegos was recognized and introduced to the Senate Mayor of Houston Bob Lanier and his wife Elise.

The Senate welcomed its guests.

**(President in Chair)**

**GUESTS PRESENTED**

Senator Whitmire was recognized and introduced to the Senate Texas Rangers Jesse Mack, Christine Nicks, and Earl Pearson.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Ogden was recognized and introduced to the Senate a delegation from the Williamson County Agricultural Leadership group.

The Senate welcomed its guests.

**(Senator Brown in Chair)**

**COMMITTEE SUBSTITUTE****SENATE BILL 187 ON SECOND READING**

Senator Madla moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 187** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**(President in Chair)**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended for **CSSB 187**:

**CSSB 187**, Relating to the allocation of money in the law enforcement officer standards and education account to local law enforcement agencies.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE****SENATE BILL 187 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 187** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**CSSB 187** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **SENATE BILL 232 ON SECOND READING**

Senator Carona moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 232** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

On motion of Senator Carona, the regular order of business was suspended for **SB 232** by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SB 232**, Relating to an optional majority vote requirement for election of trustees in certain independent school districts.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 232** by inserting a new SECTION 2 of the bill (committee printing page 1, between lines 35 and 36) to read as follows and renumbering the subsequent sections of the bill accordingly:

**SECTION 2.** Section 11.057, Education Code, as amended by this Act, does not require a school district to elect trustees in a manner other than the manner the district was using to elect trustees on June 1, 1997.

The amendment was read and was adopted by a viva voce vote.

**SB 232** as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 232 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 232** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**SB 232** was read third time and was passed by a viva voce vote.

#### **SENATE BILL 245 ON SECOND READING**

Senator Harris moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 245** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended for **SB 245**:

**SB 245**, Relating to implementation of a school uniform policy at a public school.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 245** as follows:

Strike SECTION 1 of the bill (committee printing page 1, lines 11-16) and substitute the following:

SECTION 1. Section 11.162, Education Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (e) to read as follows:

(a) The board of trustees of an independent school district may adopt rules establishing a procedure that a school in the district must follow to [that] require students at the [a] school [in the district] to wear school uniforms [if the board determines that the requirement would improve the learning environment at the school].

(b) The rules the board of trustees adopts must:

(1) require the process concerning uniforms at the school to be initiated by presentation to the school principal of a petition signed by a percentage of school parents specified by board rule requesting that students at the school be required to wear school uniforms;

(2) require a detailed plan concerning the school uniform requirement to be developed and approved by the campus-level planning and decision-making committee established under Section 11.253;

(3) require approval of that plan by the superintendent of the district;

(4) require a referendum on the plan and approval of the plan by a percentage of school parents specified by board rule;

(5) require approval of the plan by the board of trustees following approval by the required percentage of school parents;

(6) designate a source of funding that shall be used in providing uniforms for students at the school who are educationally disadvantaged; and

(7) include a procedure that requires participation and approval by parents and the campus-level planning and decision-making committee for:

(A) amending the plan; or

(B) repealing the school uniform requirement.

(d) Students may not be [at a school at which uniforms are] required to [shall] wear [the] uniforms earlier than [beginning on] the 90th day after the date on which the board of trustees approves the plan requiring students to wear [adopts the rules that require the] uniforms.

(e) In this section, "parent" includes a guardian.

The amendment was read and was adopted by a viva voce vote.

**SB 245** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 245 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 245** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**SB 245** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate a group of high school students from Victoria.

The Senate welcomed its guests.

**CONGRATULATORY RESOLUTIONS**

**SR 151** - by Fraser: Congratulating James T. Wilson of Killeen.

**SR 152** - by Fraser: Congratulating Ryan F. Schiffner of Killeen.

**SR 153** - by Lindsay: Congratulating Stuart Montgomery Blank of Spring.

**MISCELLANEOUS RESOLUTION**

**SCR 18** - by Lucio: Recognizing the 60th anniversary of the City of Brownsville's celebration of Charro Days.

**ADJOURNMENT**

On motion of Senator Brown, the Senate at 12:59 p.m. adjourned until 12:00 noon tomorrow.

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